IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 10.04.2007

Coram

The Honourable Mr. Justice P. SATHASIVAM

and

The Honourable Mr. Justice S. TAMILVANAN

W.A. No.3664 of 2003

and

W.A.M.P. No.5973 of 2003

Homefinders Housing Limited
rep. by its Chairman and
Managing Director
K.S. Ramalingam .. Appellant

..Vs..

1. The Regional Director,
Employees State Insurance

Corporation,
Chennai - 600 034.

2. The Insurance Inspector,
Inspectorate (Guindy),
ESIC Hospital Complex,
K.K. Nagar, Chennai - 600 078. ...Respondents

Appeal filed under Clause 15 of the Letters patent the order dated 29.9.2003 passed in W.P. No.14764 of 2003 on the file of this Court. to call for the records of the 2nd Respondent hereon in the impugned Notice No.51-75218-101 dated 21.4.2003 and to quash the same.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For Appellant: Mr. K.S. Natarajan

For Respondents : Ms. Jayakumari

JUDGMENT

(Judgment was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned Single Judge dated 29.9.2003 passed in W.P. No.14764 of 2003, in and by which, the learned Judge, after finding that there is no justification to interfere with the impugned proceedings, dismissed the said writ petition.

2. Heard the learned counsel appearing for the appellant as well as the respondents.

3. The impugned notice is available at page No.13 of the typed set of papers, which shows that the Insurance Inspector will be visiting the factory for inspection under Section 45 of the E.S.I. Act on 16.5.2003 and at that time, the appellant-Concern was directed to keep certain records mentioned therein for verification/examination. However, the writ petitioner/appellant is prejudiced in placing those records before the said Authority.

4. Learned counsel appearing for the appellant submitted that in similar circumstances, the Authority has passed an order, rejecting the similar stand taken by the very same Concern and according to him, in that event, the only remedy is to file an appeal before the Appellate Authority, by fulfilling certain conditions. We are unable to accept the said contention.

WEB COPY

5. As rightly pointed out and observed by the learned Judge, the writ petitioner/appellant is free to place/point out all the relevant materials including the earlier representation dated 18.4.2001 to strengthen his case. Learned Judge also observed that even to ascertain whether the petitioner-establishment is covered under the provisions of the Employees State Insurance Act, the Officer viz. the Insurance Inspector has to inspect the premises and verify the documents/ledgers. In such circumstances, the action of

https://hcservices.ecourts.gov.in/hcservices/

the second respondent cannot be faulted with and the learned Judge rightly dismissed the writ petition. Consequently, the writ appeal fails and the same is dismissed. Consequently, the connected W.A.M.P. is also dismissed No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssa.

To
1. The Regional Director,
Employees State Insurance Corporation,
Chennai - 600 034.

2. The Insurance Inspector,
Inspectorate (Guindy),
ESIC Hospital Complex,
K.K. Nagar, Chennai - 600 078.

1 cc to Mr.K.S. Natarajan, Advocate, sr. 22706

W.P.No.3664 of 2003 and connected WAMP

PPV (CO)
kk 19/4

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/